

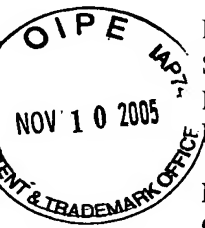
AP/IFW



Practitioner's Docket No. U 014822-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: Ronald R. SAVIN

Serial No.: 10/666,740

Group No.: 3725

Filed: September 19, 2003

Serial No.: Mark Rosenbaum

For:

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER
37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP

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BOX AF

NOTE: To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand corner. Alternatively, this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is placed must be marked as in the bold type box above. Notice of Sept. 20, 1985 (1059 O.G. 19-20).

AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*
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- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

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TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

Signature

Date: November 7, 2005

CLIFFORD J. MASS
(type or print name of person certifying)

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

NOTE: Response to Final Rejection—Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action, If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591).

STATUS

2. The application is qualified as
- ☒ a small entity.
- ☐ other than a small entity.

FEES

EXTENSION OF TERM

NOTE: As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$ 2,160.00	\$ 1,080.00

Fee: \$ _____

If additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE FOR CLAIMS

The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

						OTHER THAN A	
(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	SMALL ENTITY		
Claims		Highest No.		Present	Addit.		
Remaining		Previously		Extra	Fee	OR	Addit.
After		Paid For			Rate		Fee
Amendment							
Total	*	Minus	**	=	x \$ 25=	\$	x \$50 = \$
Indep.	*	Minus	***	=	x \$100=	\$	x \$200= \$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim					+ \$180 =	\$	+ \$360 = \$
					Total	OR	Total
					Addit. Fee	\$	Addit. Fee

* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116.

(complete (c) or (d), as applicable)

(c) ☒ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$ _____.

FEE PAYMENT

4. ☐ Attached is a check in the sum of \$ _____.

☐ Charge Account No. _____ the sum of \$ _____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY OR OVERPAYMENT

NOTE: *Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

5. ☒ If any additional extension and/or fee is required, charge Account No. 12-0425

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 12-0425

AND/OR

- ☒ Refund any overpayment to Account No. 12-0425.

Reg. No.: 30,086

Tel. No.: (212) 708-1890



SIGNATURE OF PRACTITIONER

Clifford J. Mass

(type or print name of practitioner)

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Customer No.:



00140

PATENT TRADEMARK OFFICE



Matheson, Martyn

From: Matheson, Martyn
Sent: Thursday, October 27, 2005 1:49 PM
To: 'mark.rosenbaum@uspto.gov'
Subject: RE: U.S PATENT APPLN. 10/666,740

In re application of: Ronald R. Savin
Serial No. 10/666,740 Group 3725
Filed: September 19th, 2003 Examiner: Rosenbaum, Mark

Attorney Docket No. U 014822-2

PROPOSAL FOR INTERVIEW

The courtesy of Examiner Rosenbaum in allowing the telephone interview for November 2nd, 2005 at 1.00pm is acknowledged with appreciation.

PROPOSED CLAIM

A method for the production of zinc flake from zinc particles which comprises dry milling said zinc particles in the presence of a lubricant and optionally in admixture with a hydrophobic inorganic powder, wherein the mill is continuously cooled by passing cooling water to contact the mill.

REMARKS

Applicants propose to discuss in the interview the patentability of the above claim.

The dry milling of zinc flake is problematic if the temperature exceeds 125°F because this produces an unstable oxidized product or fire when the mill is opened and exposed to the air for evacuation. Consequently zinc flake is commercially produced by wet milling and the associated costs result in an extremely expensive product.

The Applicants have found that cooling a dry mill using a static water jacket results in the water heating up almost immediately resulting in an unstable oxidized product. Furthermore the Applicants have found that when liquid nitrogen, argon and other liquid gases are employed as cooling methods they are ineffective.

However it has been found that passing cold water to continuously contact the mill achieves a consistent temperature of approximately 75° - 85° F and results in a stable product.

Respectfully submitted

Dr Martyn Matheson
European Patent Attorney
(not admitted in the USA)

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